



Winston H. Hickox  
Secretary for  
Environmental  
Protection

# California Regional Water Quality Control Board

## Los Angeles Region

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Gray Davis  
Governor

Ron Armstrong, Vice-President  
TyCo Networks (US) Inc.  
10 Park Avenue  
Morristown, New Jersey 07960

### CONDITIONAL CERTIFICATION FOR PROPOSED TYCO TRANSPACIFIC FIBER OPTIC CABLE AND HERMOSA BEACH LANDING PROJECT (CORPS' PROJECT NO. 2002-00086-JLB), PACIFIC OCEAN, SANTA MONICA BAY CITY OF HERMOSA BEACH, LOS ANGELES COUNTY (FILE NO. 01-125)

Dear Mr. Armstrong:

Regional Board staff has reviewed your request on behalf of Tyco Networks (US) Inc. (the Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on February 15, 2002.

I hereby certify that there is a reasonable assurance that the discharge from Tyco Transpacific Fiber Optic Cable and Hermosa Beach Landing Project, as proposed and described in Attachment A, if performed in accordance with all applicable water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region* (1994), and in accordance with the conditions specified in Attachment B, will comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act.

The Applicant shall be liable civilly for any violations of this certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this certification action, please contact Jason Lambert, Section 401 Program, at (213) 576-5733.

[Original signed by]

\_\_\_\_\_  
Dennis A. Dickerson  
Executive Officer

\_\_\_\_\_  
[March 1, 2002]  
Date

### California Environmental Protection Agency

\*\*\*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption\*\*\*  
\*\*\*For a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/news/echallenge.html>\*\*\*



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## **ATTACHMENT A**

### **Project Information File No. 01-125**

1. Applicant: Tyco Networks (US) Inc.  
10 Park Avenue  
Morristown, New Jersey 07960  
Phone: (973) 753-4642 Fax: (973) 207-4275
2. Applicant's Agent: Rich Walter  
Jones & Stokes  
268 Grand Avenue  
Oakland, CA 94610  
Phone: (510) 433-8960 Fax: (510) 433-8961
3. Project Name: Tyco Transpacific Fiber Optic Cable and Hermosa Beach Landing Project
4. Project Location: Hermosa Beach, Los Angeles County
5. Type of Project: Fiber Optic Cable Installation and Landing development
6. Project Description: The proposed project consists of the installation of two transpacific submarine fiber optic cable systems and a landing at a location within Hermosa Beach. The landing location will be made available to Tyco through a lease agreement with the City of Hermosa Beach. The two fiber optic cables will each travel to alternate destinations. The northern cable will connect to Oregon and then travel on to Japan, and the southern cable will connect to Hawaii and then move on to Guam and Japan. The two cables will travel parallel to each other until just outside three nautical miles, where the northern cable (segment 5) will diverge from the southern cable (segment 4) to advance to their respective destinations. The proposed impacts to the Waters of the U.S. (ocean/bay) are approximately 8.98 temporary acres. Permanent impacts associated with the project are contributed to the actual size of the cable to be placed along the ocean floor. The Applicant has not proposed any compensatory mitigation due to minimal permanent impacts expected in the project route.

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|--|---|
| 7. Federal Agency/Permit:  | U.S. Army Corps of Engineers<br>NWP No. 12 (Permit No. 2002-00086-JLB)  |
| 8. Other Required Regulatory Approvals:                              | State Water Resources Control Board<br>NPDES General Permit<br><br>California Coastal Commission<br>Coastal Development Permit (CDP E-01-029)                                   |
| 9. California Environmental Quality Act (CEQA) Compliance:           | The City Council of the City of Hermosa Beach approved the project's Subsequent Final Environmental Impact Report (EIR No. 2001-1240, SCH No. 2001 061111) on December 19, 2001 |
| 10. Receiving Water:   | Pacific Ocean/Santa Monica Bay Nearshore and Offshore zones of Hermosa Beach (Hydrologic Unit No. 405.12)   |
| 11. Designated Beneficial Uses:                                      | IND, NAV, REC-1, REC-2, COMM, MAR, WILD, BIOL, RARE, MIGR, SPWN, SHELL  |
| 12. Impacted Waters of the United States:                            | Non-wetland waters (Ocean/Bay): approximately 0.14 permanent acres, and 8.98 temporary acres  |
| 13. Dredge Volume:   | None  |
| 14. Related Projects Implemented/to be Implemented by the Applicant: | The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years.  |
| 15. Avoidance/Minimization Activities:                               | The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:  |

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- Developing and implementing a Shipboard Oil Pollution Emergency Plan (SOPEP) for installation, repair, and monitoring before the cable vessel enters the project area;
- Developing and implementing a critical operations and curtailment plan to delineate and maintain safe working conditions aboard the cable-lay vessel;
- Presence of a minimum of 122 meters of sorbent booms, five bales of sorbent pads of at least 45 cm by 45 cm size, and a small powered boat for rapid deployment of all containment and clean up devices aboard the primary work vessel;
- Placing of a local on-water response vessel, and an oil spill response organization (OSRO) located in Los Angeles on standby during installation;
- Ballast shall not be exchanged in waters less than 22.2 kilometers offshore and all ballast exchange shall be recorded;
- Vessels will not discharge untreated sewage or bilge water in waters less than 22.2 kilometers offshore. Vessels will be equipped to collect, contain and treat sewage wastes;
- Vessels will maintain a logbook to keep track of all debris that may fall into waters within the jurisdictional areas of permitting agencies. Types, date, time, and location of debris that enters water during offshore operations will be documented to facilitate and location of debris for debris recovery and site clearance verification;
- A Spill Prevention and Contingency Plan (SPCP) will be prepared for construction activities. The SPCP plan will be submitted to the Hermosa Beach Fire Department for approval prior to issuance of the city's construction permit. In accordance with the SPCP plan, site workers will be trained to recognize and respond to spills prior to construction. Construction crews will have an emergency spill kit containing sorbent booms and pads, personal protective equipment (PPE), and emergency response guidance;

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- Construction equipment to be maintained and kept in operating condition to reduce the likelihood of line breaks and leakage;
- Absorbent material or drip pans to be placed underneath vehicles during equipment maintenance or refueling. Refueling may take place on the beach, but only within a designated and contained refueling area. Any refueling will be conducted at least 30.5 meters (100 feet) away from the mean high tide;
- Hazardous materials used at the staging area will be stored in the proper storage containers and will have sufficient secondary containment to contain any potential spill;
- Standard safety measures will be incorporated into vessel operating procedures and confirmed by the safety certificate issued by the U.S. Coast Guard to limit the risk of fire and explosion to a less-than-significant level;
- Trench back-filling will begin immediately after the cable is placed in the trench. Backfill material will be compacted to eliminate erosion and sand settlement in conformance with the specifications of the City of Hermosa Beach and the City of Redondo Beach;
- If the inter-tidal beach work occurs in April or May, a biologist will monitor the beach within 30 meters of each cable landing site on the third or fourth night following a full or new moon and one to five hours after high-tide within the two weeks before installation. If a spawning event occurs during the two weeks before construction activities, installation will be delayed until the grunion eggs have hatched (approximately two weeks). A qualified biologist will determine the day on which the construction can begin again after a spawning event; and
- Designing a route that will minimize the potential impact to rocky substrates by minimizes the crossings at high relief outcrops. The proponent has agreed to pay the established compensation fees for actual impacts that result in disruption to slow growing organisms in rocky-substrates that take longer than one year to recover within jurisdictional areas of relevant permit authorities.

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16. Proposed  
Compensatory  
Mitigation:

The Applicant has not proposed any compensatory mitigation for proposed temporary impacts, and this agency will not require any due to avoidance of all feasible sensitive habitats within jurisdictional waters.

## ATTACHMENT B

### Conditions of Certification File No. 01-125

#### STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

#### ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Coastal Commission's Coastal Development Permit. **These documents shall be submitted prior to any discharge to waters of the state.**
2. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the state. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the state.
3. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the state.



## ATTACHMENT B

### Conditions of Certification File No. 01-125

4. The Applicant shall submit their proposed Spill Prevention and Contingency Plan (SPCP) and Shipboard Oil Pollution Emergency Plan (SOPEP) to this Regional Board **prior to commencement of project activities**.
5. The Applicant shall restore the proposed **8.98 acres** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the state. The Applicant shall implement appropriate Best Management Practices to control sediment disturbance in areas associated with this project.
6. The Applicant shall place appropriate signs at the project site informing the public of construction activities and approximate duration of the project for a minimum of thirty (30) days prior to project commencement through the duration of construction activities.
7. The Applicant shall enclose all feasible areas of construction with appropriate safety fencing.
8. The Applicant shall provide COMPENSATORY MITIGATION to offset any loss of sensitive habitat that is discovered during the construction process or in the post-construction surveys. If loss of sensitive habitat is determined, the Applicant shall submit a Compensatory Mitigation Plan with a minimum 3:1 replacement value to offset the project's impacts. The Compensatory Mitigation Plan shall be submitted to this Regional Board within ninety (90) days of discovery of such impacts, and shall be subject to Regional Board approval.
9. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **01-125**. Submittals shall be sent to the attention of the Nonpoint Source Unit.
10. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
11. *Enforcement:*
  - (a) In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.

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### **Conditions of Certification File No. 01-125**

- (b) In response to a suspected violation of any condition of this certification, the State Water Resources Control Board (SWRCB) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
- (c) In response to any violation of the conditions of this certification, the SWRCB may add to or modify the conditions of this certification as appropriate to ensure compliance.